

PTO 1390 Page 1 of 1

US Dept. of Commerce Pat. &amp; Trademark Office

Attorney's Docket No.

23369

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 USC 371**

US. Application No. (if known)

10/549262

INTERNATIONAL APP. NO.

PCT/DE2004/000248

INTERNATIONAL FILING DATE

12 February 2004

PRIORITY DATE CLAIMED

13 March 2003

TITLE OF INVENTION

**NUCLEOTIDE SEQUENCES OF CORYNEFORM BACTERIA CODING FOR PROTEINS INVOLVED  
IN ...**

APPLICANT(S) FOR DO/EO/US

Petra PETERS-WENDISCH et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EU/US) the following .

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. ☐ This is an express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 317(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 USC 371(c)(2)).
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau.
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Patent Office.
6. ☐ A translation of the International application into English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau.
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3).
9. ☒ An oath or declaration of the inventor(s) (35 USC 371(c)(4).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

**Items 11. to 16. below concern documents or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An Assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
- ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items of information.

US Application no (if known) <b>10/549262</b>	International Application no. <b>PCT/DE2004/000248</b>	Attorney's Docket No. <b>23369</b>
--	---	---------------------------------------


17. The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5): Search report has been prepared by the EPO or JP ..... \$950.00  Int'l prel. exam. fee paid to USPTO (37 CFR 1.482) ..... \$750.00  No int'l prel. exam. fee paid to USPTO (37 CFR 1.482) but int'l search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$790.00  Neither int'l prel. exam fee (37 CFR 1.482) nor int'l search fee (37 CFR 1.455(a)(2)) paid to USPTO ..... \$1000.00  Intl. prel. exam. fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Art. 33(2-4) ..... \$200.00  ENTER APPROPRIATE BASIC FEE AMOUNT	<b>CALCULATIONS PTO USE ONLY</b>																
Surcharge of \$130.00 for furnishing oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	<b>\$130</b>																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NO. FILED</th> <th style="width: 20%;">NO. EXTRA</th> <th style="width: 20%;">RATE</th> </tr> <tr> <td>Total claims</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Ind. claims</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4">MULTIPLE DEP. CLAIM(S) (if applicable) (see prel. amt.)</td> </tr> </table>	CLAIMS	NO. FILED	NO. EXTRA	RATE	Total claims				Ind. claims				MULTIPLE DEP. CLAIM(S) (if applicable) (see prel. amt.)				
CLAIMS	NO. FILED	NO. EXTRA	RATE														
Total claims																	
Ind. claims																	
MULTIPLE DEP. CLAIM(S) (if applicable) (see prel. amt.)																	
TOTAL OF ABOVE CALCULATIONS	\$130																
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (37 CFR 1.2, 1.27, 1.28)	\$0																
SUBTOTAL	\$130																
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).																	
TOTAL NATIONAL FEE	\$130																
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The Assignment may be accompanied by an appropriate PTO-1595 cover sheet (37 CFR 3.28, 3.39)	\$40																
TOTAL FEES ENCLOSED	\$170																
05/16/2006 A/RANI 00000138 10549262  01 FC:1617 130.00 OP	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Amt to be refunded</td> <td style="width: 50%;"></td> </tr> <tr> <td>Amt to be charged</td> <td></td> </tr> </table>	Amt to be refunded		Amt to be charged													
Amt to be refunded																	
Amt to be charged																	

- a. ☐ A check in the amount of \$130 to cover the above fees is enclosed
- b. ☐ Please charge my deposit account 18-2025 \$00.00 to cover the above fees. A copy of this sheet is enclosed.
- c. ☒ Please charge the amount due to the credit card identified in the attached PTO-2038.
- d. ☒ The commissioner is authorized to charge any additional fees which may be required or credit any overpayment to deposit account 18-2025. A copy of this sheet is enclosed
- e. ☒ A PTO-2038 in the amount of \$40 to cover recordal of the Assignment is enclosed

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to:

**The Firm of Karl F. Ross P.C.**  
**5676 Riverdale Ave. Box 900**  
**Riverdale (Bronx), NY 10471**

  
 Andrew Wilford, Reg. No. 26,597

23369



0511-06

0511-06  
Certificate of Deposit of First-Class Matter  
I hereby certify that I have deposited the following  
responses with the USPTO: 1. The first-class  
first-class matter, 2. The first-class matter, 3. The  
Solely, as an agent, I have deposited the following  
Patents, Box 900, Alexandria, VA 22313-1450.  
on

IN THE U.S. PATENT AND TRADEMARK OFFICE

MAY 10 2006

KEY79089495012

Inventor Petra PETERS-WENDISCH et al  
Patent App. 10/549,262 (US Nat'l phase of  
PCT/DE2004/000248)  
Filed 12 September 2005  
For NUCLEOTIDE SEQUENCES OF CORYNEFORM BACTERIA  
CODING FOR PROTEINS INVOLVED IN ...

Hon. Commissioner of Patents  
Box 1450 Alexandria, VA 22313-1450

RECORD OF TRANSMITTAL--PCT APPLICATION

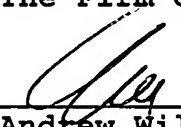
<input checked="" type="checkbox"/>	PCT Transmittal	
<input type="checkbox"/>	PCT Application	
<input type="checkbox"/>	Translation	
<input type="checkbox"/>	Sheets of Drawing (0)	
<input checked="" type="checkbox"/>	PCT Declaration	
<input type="checkbox"/>	PCT Documents	
<input type="checkbox"/>	International Search Report	
<input type="checkbox"/>	Preliminary Amendment	
<input checked="" type="checkbox"/>	Assignment (with PTO-1595 and sep. PTO-2038)	
<input checked="" type="checkbox"/>	PTO-2038 for Official Fees	
<input checked="" type="checkbox"/>	Late filing	\$130.00
	Total	\$130.00

Please charge any fees not covered by an enclosed PTO-2038 to  
account 18-2025 of the undersigned.

10 May 2006

5676 Riverdale Ave. Box 900  
Bronx, NY 10471-0900  
Tel: (718) 884-6600  
Fax: (718) 601-1099  
Customer No. 535  
rg

Respectfully submitted,  
The Firm of Karl F. Ross P.C.

  
Andrew Wilford, Reg. 26,597



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/549,262	Petra Peters-Wendisch	23369

INTERNATIONAL APPLICATION NO.

PCT/DE04/00248

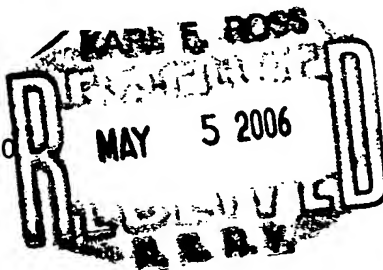
I.A. FILING DATE

02/12/2004

PRIORITY DATE

03/13/2003

535  
 THE FIRM OF KARL F ROSS  
 5676 RIVERDALE AVENUE  
 PO BOX 900  
 RIVERDALE (BRONX), NY 10471-0900



CONFIRMATION NO. 5108

371 FORMALITIES LETTER



\*OC000000018647253\*

Date Mailed: 05/01/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/12/2005
- English Translation of the IA filed on 09/12/2005
- Copy of the International Search Report filed on 09/12/2005
- Copy of IPE Report filed on 09/12/2005
- Preliminary Amendments filed on 09/12/2005
- Information Disclosure Statements filed on 09/12/2005
- Biochemical Sequence Diskette filed on 09/12/2005
- Biochemical Sequence Listing filed on 09/12/2005
- U.S. Basic National Fees filed on 09/12/2005
- Priority Documents filed on 09/12/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/549,262	PCT/DE04/00248	23369

FORM PCT/DO/EO/905 (371 Formalities Notice)